

EDWARDS WILDMAN PALMER LLP
Rory J. McEvoy
Julie L. Weber
Attorneys for Defendants
750 Lexington Avenue
New York, New York 10022
212.308.4411
rmcevoy@edwardswildman.com
jlweber@edwardswildman.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEENA VARUGHESE, M.D.,

Plaintiff,

v.

12 Civ. 8812 (CM) (JCF)

**DECLARATION OF
VESNA NAJFELD, PH. D.**

MOUNT SINAI MEDICAL CENTER, PATRICK
LENTO, M.D., CARLOS CORDON-CARDO, M.D.,
ADOLFO FIRPO, M.D., IRA J. BLEIWEISS, M.D., and
ABC Corp. 1-10, and JOHN DOES 1-10,

Defendants.

VESNA NAJFELD, Ph.D., pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct:

1. I am currently a Professor of Pathology and Medicine in the Department of Pathology at The Mount Sinai Medical Center (“Mount Sinai” or the “Hospital”) and the Director of the Tumor Cytogenetics Laboratory at Mount Sinai, positions I have held since 2005. I am also a Professor in the Mount Sinai School of Medicine, a position I have held since 2005. Prior to this, I was an Associate Professor and an Assistant Professor in Mount Sinai’s Division of Hematology, Department of Medicine, from 1981 to 2005. I am fully familiar with the matters discussed herein based on my own personal knowledge and my review of files maintained by Mount Sinai’s Department of Pathology and Mount Sinai’s Office of Graduate

Medical Education. I make this declaration in support of Defendants' motion for summary judgment.

2. Plaintiff Dr. Leena Varughese ("Plaintiff") completed a two week rotation in the Tumor Cytogenetics Laboratory under my supervision from August 1 to August 12, 2011.

3. During this time, Plaintiff did not take her responsibilities as a resident seriously and engaged in a variety of unprofessional behavior.

4. On the second or third day of her rotation, Plaintiff was assigned a clinical case conference presentation, which was scheduled to be presented to faculty and other residents on August 9, 2011 at 9:00 a.m. I instructed Plaintiff to send me the presentation ahead of time so that I could review it to ensure that it was appropriate for Plaintiff to present. Plaintiff did not send me the presentation to review until 4:18 p.m., on August 8, 2011. In her email, which attached the presentation, Plaintiff said "[p]lease let me know if you want me to change anything in a major way." A copy of the email from Plaintiff to me, dated August 8, 2011, is attached as Ex. 1.

5. As soon as I received Plaintiff's email, I reviewed the presentation and determined that there were numerous problems and it could not be presented. For example, Plaintiff did not include actual patient images in the presentation and instead used images that appeared to have been downloaded from the internet. The presentation was also more akin to the level of presentation that would be expected of a medical student as opposed to a fourth year resident because at the end of the presentation she included the clinical and laboratory finding of the case, which is the opposite order that cases are reported.

6. At 4:23 p.m., I emailed Plaintiff and told her to come to my office. Five minutes later, I sent Plaintiff another email and said "[t]here are some major problems with your

presentation. Please come over asap.” Copies of my emails, dated August 8, 2011, are attached as Exs. 2 and 3, respectively.

7. After receiving no response from Plaintiff, at 4:49 p.m. I sent Plaintiff another email and said “[p]lease call me. This presentation cannot go as is.” A copy of my email, dated August 8, 2011, is attached as Ex. 4.

8. I also sent Plaintiff a page, but she did not respond to me. I called Dr. Adolfo Firpo (“Dr. Firpo”) because I was concerned that I still had not heard from Plaintiff and Dr. Firpo gave me the phone number for the residents’ room. I then called and left a message for Plaintiff. Thirty minutes later, Plaintiff called me. During our phone conversation, I told Plaintiff that the presentation was not of sufficient quality to be presented the next day and asked if she would come to my office to work on it so that it could be presented. Plaintiff said that she had already left Mount Sinai and was not willing to come back to work on the presentation with me. Due to Plaintiff’s unwillingness to return to Mount Sinai and meet with me to revise her presentation, I told Plaintiff that the presentation could not take place the following day and that she would need to inform the faculty and other residents that the presentation was cancelled.

9. At 5:42 p.m., I sent Plaintiff another email that again informed her that “a lot more work needs to go into this presentation” and that it would not go forward the next day. In my email, I reminded Plaintiff that although she had left Mount Sinai at 5:00 p.m. that day, I had been willing to work on the presentation with her until 6:00 p.m. A copy of my email, dated August 8, 2011, is attached as Ex. 5.

10. The next day, at 6:21 a.m., I emailed Plaintiff again to remind her to send an email to faculty and residents to inform them that the presentation would not be going forward. A copy of my email, dated August 9, 2011, is attached as Ex. 6.

11. In response, Plaintiff sent me an email two hours later that said “I won’t be doing the Cytogenetics presentation until next week.” Plaintiff did not copy anyone else other than me on this email. A copy of Plaintiff’s email to me, dated August 9, 2011, is attached as Ex. 7.

12. Because Plaintiff failed to inform the attendees that the presentation was cancelled, faculty and residents showed up for the presentation and waited, assuming that a presentation was going to take place. Even though Plaintiff was present in the room while the attendees sat and waited for the presentation, she failed to announce that she would not be presenting.

13. During her rotation, Plaintiff was also absent from or late to the Cytogenetics Laboratory without authorization or explanation on numerous occasions. For example, on August 10, 2011, Plaintiff was ninety minutes late to work; returned thirty minutes late from lunch; and left sixty minutes early. As a result, Plaintiff did not fulfill her work responsibilities for that day.

14. Plaintiff was also unprofessional in her interactions with faculty and staff. For example, Plaintiff repeatedly typed on her blackberry while staff members, including myself, were instructing her and giving tutorials. On one occasion, I told Plaintiff that this was disrespectful and rather than listen to me and put her blackberry away, Plaintiff ignored me and continued to use the blackberry while I was giving her a tutorial.

15. Plaintiff also exhibited little enthusiasm for learning and showed no willingness to work. While I was in the Laboratory, I even overheard her tell the supervisor of the Laboratory that “[s]he is wasting her time.” This was upsetting to me and I found it to be very disrespectful and unprofessional.


16. During her rotation, Plaintiff also failed to complete the work expected of her and all residents that do a rotation in the Cytogenetics Laboratory. Although Plaintiff had been told from the first day of her rotation that she was to karyotype ten cells, by the end of her rotation, she had only managed to karyotype five cells. Karyotyping cells means to put chromosomes in chronological order.

17. On August 12, 2011, the last day of Plaintiff's rotation, I was informed by Chief Resident, Dr. Adrienne Jordan ("Dr. Jordan"), that Plaintiff would need to cover in the grossing room for another resident who was out sick. Later that day, Dr. Patrick Lento ("Dr. Lento"), the Program Director, called me in the Laboratory because he said that he and Dr. Jordan had not been able to reach Plaintiff to confirm that she would be providing coverage. I told Dr. Lento that Plaintiff was in the Laboratory and he should page her. After I spoke to Dr. Lento, I observed Plaintiff and heard her pager go off. Plaintiff did not answer the page. Thereafter, Dr. Lento called the Laboratory again in an attempt to speak to Plaintiff and I put her on the phone. Plaintiff then proceeded to speak to Dr. Lento in a disrespectful tone in front of the entire Laboratory.

18. Later that day, I drafted a memorandum for my files, titled Notes Regarding rotation of Dr. Leena Varughese in Tumor Cytogenetics Laboratory, which summarized my experience with Plaintiff during her rotation. A copy of my memorandum, dated August 12, 201[1], is attached as Ex. 8.

19. During my thirty years (and now nearly thirty-three years) at Mount Sinai, my experience with Plaintiff was the worst teaching experience I have ever had.

Dated: New York, New York
June 27, 2014


Vesna Najfeld, M.D.
Ph.D.